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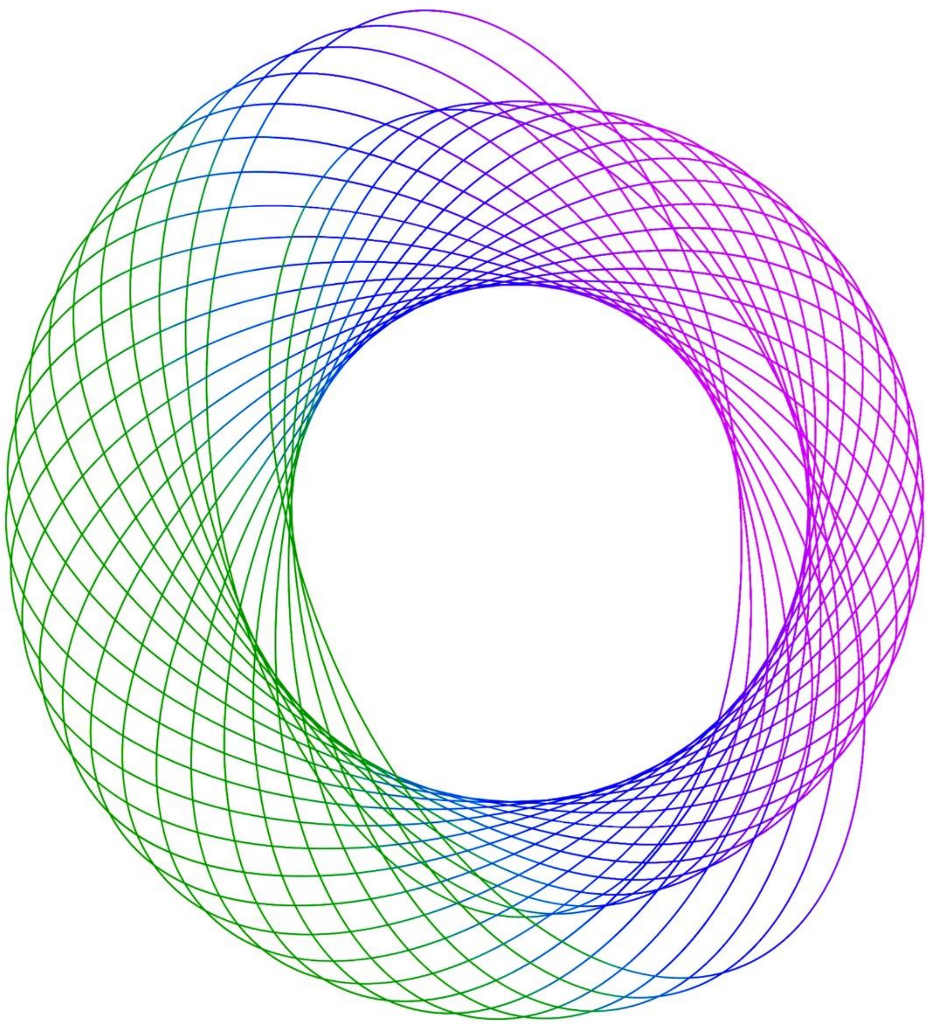

Navigating the Future: Emerging Trends in Trade Surveillance

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Emerging trends in Trade Surveillance

Trade surveillance is vital for spotting and stopping market abuse and following regulations. As rules get stricter, and markets become more complex, financial institutions are using advanced technology and outsourcing to improve their surveillance. This helps them stay flexible, efficient, and compliant in a fast-changing regulatory environment**.**

Introduction

In recent years, regulatory enforcement in trade surveillance within the United States has intensified, driven by the need to maintain market integrity and protect investors. Regulatory bodies such as the Securities and Exchange Commission (SEC), the Office of the Comptroller of the Currency (OCC), Financial Industry Regulatory Authority (FINRA), and the Commodity Futures Trading Commission (CFTC) have implemented measures to detect and prevent market abuse, insider trading, and other illicit activities. These measures include advanced monitoring requirements, broad reporting obligations, and rigorous compliance standards.

Recent enforcement actions underscore the heightened scrutiny from regulatory bodies and the urgent necessity to broaden surveillance coverage. Major regulatory agencies like SEC and CFTC amongst others have imposed significant penalties on financial institutions for inadequate monitoring and reporting of suspicious trading activities. These penalties emphasize the critical importance of robust compliance frameworks and the severe consequences of regulatory lapses.

The evolving regulatory landscape presents new challenges, including continuous monitoring and reporting, increased complexity and globalization. In response, financial institutions are considering outsourcing to manage these challenges and are exploring the potential implementation of Artificial Intelligence (AI) to enhance the detection and review of both rule-based and behavior-based alerts.

Balancing the demands of evolving surveillance regulations with the benefits of outsourcing is a strategic decision that firms should carefully consider. While in-house insights likely offer greater control and customization, outsourcing may provide cost efficiency, access to specialized skills, and scalability. The choice will depend on the organization's specific circumstances, resources, and long-term goals. By staying informed about regulatory changes and leveraging the right mix of internal and external resources, firms may attain robust compliance and maintain a competitive edge in the market.

Trends in Outsourcing

In an era of increasing regulatory scrutiny and market complexity, effective trade surveillance is important for financial institutions. In addressing the challenges of increasing trade volumes, transaction complexity, scaling surveillance reviews, and the recruitment, training, and retention of specialized talent, firms are exploring the augmentation of their teams or the outsourcing of specific tasks and functions. This strategic move may allow firms to enhance their surveillance capabilities, ensuring they remain adaptable and efficient in the face of evolving regulatory requirements and market conditions. Outsourcing specific surveillance functions could offer an option that leverages advanced technologies, experienced oversight, and flexible infrastructure to help meet the evolving demands of regulatory compliance and market dynamics.

Key Drivers for Adoption

1. **Scalability:** The ability to scale the team up or down to adapt to fluctuating trading volumes, conduct historical lookbacks, and meet changing regulatory requirements without extensive internal restructuring offers flexibility. This adaptability allows institutions to maintain robust operations while effectively responding to the dynamic nature of the trading environment.
2. **Cost Efficiency:** Outsourcing trade surveillance activities may significantly reduce operational costs by leveraging external knowledge and infrastructure, reducing the need for substantial in-house investments. Furthermore, it could potentially reduce the need for large capital investments in technology and infrastructure. This allows financial institutions to adapt their operations according to demand, enhancing resource allocation and cost management. Additionally, in-house surveillance experts may concentrate on in-depth reviews, analysis, and core activities to further improve the surveillance models.
3. **Technological Advancements:** The rapid advancement of technologies such as artificial intelligence (AI), machine learning (ML), and big data analytics has the potential to transform trade surveillance. AI may decrease manual review time, automatically and has potential to identify false positives, and optimize detection scenarios. These advanced technologies may equip broker-dealers with sophisticated tools to detect and prevent market abuse and manipulation.

Components of outsourcing or augmentation for Trade Surveillance

1. **Expert Oversight and Support:** Access to professionals with experience in level 1 review in trade surveillance and regulatory compliance is beneficial. This knowledge helps broker-dealers and other firms navigate complex regulatory environments and maintain effective surveillance programs. Their support improves surveillance programs, identifies risks, and suggests enhancements, advising firms in staying compliant with regulatory changes and maintaining market integrity.
2. **Continuous Monitoring and Reporting:** Enhancing systems that provide surveillance on trading activities to detect suspicious behaviors timely. This includes continuous updates to the surveillance framework to address [Eliminate the use of this term or contact risk management.] gaps in tools or parameters and encourage the adoption of new technologies to enhance capabilities.
3. **Advanced Analytics and AI:** Leveraging AI and ML to analyze vast amounts of trading data. These technologies may identify patterns and anomalies that may indicate suspicious activities, providing more accurate and timely alerts.

Benefits of Outsourced Services for Trade Surveillance

1. **Enhanced Focus on Core Activities:** Enabling financial institutions to optimize their own resources by focusing internal efforts on core business activities like client service and strategic growth initiatives. Additionally, delegating surveillance tasks to experts enhances operational efficiency, allowing institutions to streamline their processes and improve overall performance.
2. **Improved Adaptability:** Offering the flexibility to quickly adapt to new regulatory requirements and market conditions. This ensures that broker-dealers remain compliant and competitive in a rapidly changing environment.
3. **Cost Efficiency:** Outsourcing trade surveillance could reduce operational costs by reducing the need for substantial in-house investments in technology and personnel. External providers offer scalable solutions, allowing institutions to manage costs effectively as they adjust capacity based on demand. This may make an attractive option for broker-dealers looking to optimize their trade surveillance programs.

4. **Global Reach:** With a global presence to offer surveillance solutions that address cross-border regulatory requirements and market practices, financial institutions may harmonize their surveillance efforts across various regions and jurisdictions, ensuring a consistent and centralized approach to compliance.
5. **Quality Assurance:** External surveillance providers are most likely bound by service level agreements (SLAs), ensuring high-quality and reliable service delivery. Ongoing review effectiveness programs and key performance indicators (KPIs) maintained by providers address continuous improvement and accuracy in surveillance operations.
6. **Improved Compliance and Risk Management:** Ensuring up-to-date compliance involves keeping surveillance systems aligned with the latest regulatory requirements. This includes providing support for regulatory audits with careful documentation and evidence of compliance efforts. Additionally, proactive monitoring and reporting help mitigate the risk of non-compliance and associated penalties.

Challenges and Considerations

The adoption of outsourcing service models for trade surveillance is transforming how broker-dealers in the US approach regulatory compliance and market monitoring. By leveraging advanced technologies, experienced oversight, and scalable infrastructure, outsourcing could offer an option that helps enhance the effectiveness and efficiency of trade surveillance programs. As the regulatory landscape continues to evolve, broker-dealers that embrace outsourcing may find that scalability and flexibility in structuring their team and operations are key to meet compliance requirements, detect and prevent market abuse, and maintain a competitive edge in the financial markets.

Firms should test that service providers have robust data security measures in place to protect sensitive trading information, although this concern is mitigated if services and operations are maintained within the client environment. However, it remains essential to ensure compliance with data privacy regulations and industry standards.

The future of trade surveillance will potentially be driven by AI, machine learning, data analytics, and global regulatory harmonization. Financial institutions that adopt these trends and work with advanced providers may potentially improve their compliance and efficiency.

Contact us:

Roy Ben-Hur
Managing Director
Deloitte & Touche LLP
rbenhur@deloitte.com

Niv Bodor
Managing Director
Deloitte & Touche LLP
nbodor@deloitte.com

Anand Ananthapadmanabhan
Senior Manager
Deloitte & Touche Assurance and Enterprise Risk Services India Private Limited
aananthapadmanabh@deloitte.com

Vinit Shah
Manager
Deloitte & Touche Assurance and Enterprise Risk Services India Private Limited
vinitshah@deloitte.com

Ajinkya Sohani
Manager
Deloitte & Touche Assurance and Enterprise Risk Services India Private Limited
ajsohani@deloitte.com